

STATE BUILDING CODE TECHNICAL REVIEW BOARD
MEETING

January 20, 2017

RICHMOND, VIRGINIA

Members Present

Mr. J. Robert Allen, Chairman
Mr. W. Keith Brower
Mr. Vince Butler
Mr. J. Daniel Crigler
Mr. James R. Dawson, Vice Chairman
Mr. Alan D. Givens
Mr. Joseph A. Kessler, III
Mr. Eric Mays, PE
Mr. E.G. Middleton, III
Ms. Joanne D. Monday
Ms. Patricia S. O'Bannon
Mr. W. Shaun Pharr, Esq.
Mr. Aaron Zdinack, PE

Members Absent

Mr. Matthew Arnold

Call to Order

The meeting of the State Building Code Technical Review Board ("Review Board") was called to order by the Chairman at approximately 10:08 a.m.

Roll Call

The attendance was established by the Secretary, Alan W. McMahan, Secretary, and constituted a quorum. Mr. Justin I. Bell, Assistant Attorney General in the Office of the Attorney General, was present and serving as the Board's legal counsel.

Mr. McMahan, Secretary, introduced Mr. Aaron L. Zdinak, PE, a newly appointed Board member, and welcomed him on behalf of the Department. Mr. McMahan informed Board members that Mr. Zdinak was filing the seat vacated by Mr. John Epperson, PE following his resignation from the Board.

Approval of Minutes

Mr. Butler moved to approve the revised minutes of the November

Approval of Minutes
(continued)

20, 2016 meeting as presented in the Review Board members' agenda package. The motion was seconded by Mr. Mays and passed unanimously with Ms. O'Bannon and Messrs. Brower, Crigler, Dawson, and Zdinak abstaining.

Public Comment

The Chairman opened the floor for public comment. The Secretary reported that no one was preregistered. The Chairman closed the public comment period.

New Business

Appeal of Cynthia M. Owens; Appeal No. 16-6:

An appeal hearing convened with the Chairman serving as the presiding officer. The appeal concerned the refusal of the City of Virginia Beach's building code office to cite a contractor for alleged building code violations on a project on Owens' home at 6802-D Oceanfront Avenue.

The following persons were sworn in and given the opportunity to present testimony:

Cynthia M. Owens, Esq., property owner
Gary Ramsburg, for the property owner
Cheri Hainer, for the City of Virginia Beach

Also present were:

Beverly K. Wilson, Esq., legal counsel for Ms. Hainer

No exhibits were submitted by the parties to supplement the documents in the Review Board members' agenda package.

Mr. Kessler arrived at approximately 10:29 a.m.

After testimony concluded, the Chairman closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision

New Business
(continued)

Appeal of Cynthia M. Owens; Appeal No. 16-6 (cont'd.):

would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

Decision: Appeal of Cynthia M. Owens; Appeal No. 16-6:

After deliberation, Mr. Mays moved to dismiss the appeal as moot because the City agreed to cite the contractor based on a report by a third party inspection agency. The motion was seconded by Mr. Butler and passed with Mr. Pharr voting in opposition.

Appeal of Isle of Wight County; Appeal No. 16-9:

A hearing convened with the Chairman serving as the presiding officer. The appeal concerned Isle of Wight County's policy on the farm building exception in USBC Section 103.9 as it applies to a proposed structure at 17271 Mogarts Beach Road in Suffolk, owned by Chicora Hipp.

The following persons were sworn in and given the opportunity to present testimony:

Arthur E. Berkley, Building Official -Isle of Wight County

No exhibits were submitted by the parties to supplement the documents in the Review Board members' agenda package.

After testimony concluded, the Chairman closed the hearing and stated a decision from the Review Board members would be forthcoming and the deliberations would be conducted in open session. It was further noted that a final order reflecting the decision would be considered at a subsequent meeting and, when approved, would be distributed to the parties and would contain a statement of further right of appeal.

New Business
(continued)

Decision: Appeal of Isle of Wight County; Appeal No. 16-9:

After deliberation, Mr. Mays moved to overturn the decision of the local code office and uphold the decision of the local appeals board. The motion was seconded by Mr. Crigler and passed unanimously.

Interpretations

An interpretation request from Prince William County Building Department was considered concerning the 2012 International Swimming Pool and Spa Code, as referenced in the Virginia Uniform Statewide Building Code, on Section 305.9 concerning the minimum clear zone requirements.

After discussion, Mr. Kessler moved to issue the following interpretation of Section 305.9 of the 2012 International Swimming Pool Code as Interpretation No. 1/2017.

QUESTION #1: May a clear zone, as required by 305.2.9, be satisfied by being located on an adjacent property?

ANSWER: No, unless the pool owner has provided written legal proof of a continuing right to use the adjacent property as long as the pool exists.

QUESTION #2: Is the property owner that is constructing the swimming pool required to install barriers a minimum of 36 inches from the property line to create the clear zone on their own property?

ANSWER: Yes, unless previously satisfied by statement above.

The motion was seconded by Mr. Butler and it passed with Mr. Mays abstaining. The Review Board then directed staff to generate a proposed code change based on the interpretation for the 2015 Virginia Uniform Statewide Building Code code change process.

Secretary's Report

Mr. McMahan updated the Review Board on upcoming appeals and the next planned Review Board meeting, tentatively scheduled for Friday, February 17, 2017. Mr. Bell updated the Review Board on

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Secretary's Report
(continued)

several resolved or pending circuit court appeals. Ms. Cindy Davis, the Deputy Director for the Building and Fire Division, spoke to the Review Board concerning Virginia's current code change process, including the cdpVA online system for submitting and tracking proposed code changes; Mr. McMahan's completion of his Master's degree; and a bill to move the Virginia Statewide Fire Prevention Code from under the authority of the Board of Housing and Community Development to the Virginia Fire Services Board.

Adjournment

There being no further business, the meeting was adjourned by motion of Mr. Dawson at approximately 1:36 p.m.

Approved: _____

Feb. 17 2017



Chairman, State Building Code Technical Review Board



Secretary, State Building Code Technical Review Board